

Sumter City-County Board of Zoning Appeals

March 14, 2012

BOA-12-14, 837 Broad Street (City)

The applicant is requesting Special Exception approval for a Billiard Hall, under SIC Code 7999.



Appeals - Variance - Special Exception

Sumter City-County Board of Appeals

March 14, 2012

BOA-12-14, Billiard Hall at 837 Broad St. (City)

I. THE REQUEST

Applicant: Johnny Morris

Status of the Applicant: Business Owner

Request: Special Exception approval for a Billiard Hall, under SIC Code 7999.

Location: 837 Broad St.

Present Use/Zoning: Commercial Strip Center/GC/HCPD

Tax Map Reference: 229-08-01-002

II. BACKGROUND

The applicant desires to open a billiard hall to be located in the City in an existing small commercial strip center, at the corner of Broad St. and N. Wise Dr.

Billiard Halls (SIC Code 7999) are required to be reviewed and approved as a Special Exception. Special Exceptions are to be evaluated in accordance with Article 1, Section 1.h.4.c and Article 3, Section 3.i.4.f and in accordance with Article 5, Section 5.b.3.1 in the Sumter City Zoning & Development Standards Ordinance.

Article 5 Section 5.b.3.o Pool Halls:

- 1. This use shall not be within 150 feet (measured in a straight line from structure to structure) of a church, school or public playground that is on a separately platted parcel under different ownership.*

Article 1 Section 1.h.4.c Special Exceptions:

1. *Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.*
2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
 - a. *That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.*

This site is part of an established commercial center with existing, grandfathered non-conforming site standards.

- b. *That the special exception will be in substantial harmony with the area in which it is located.*

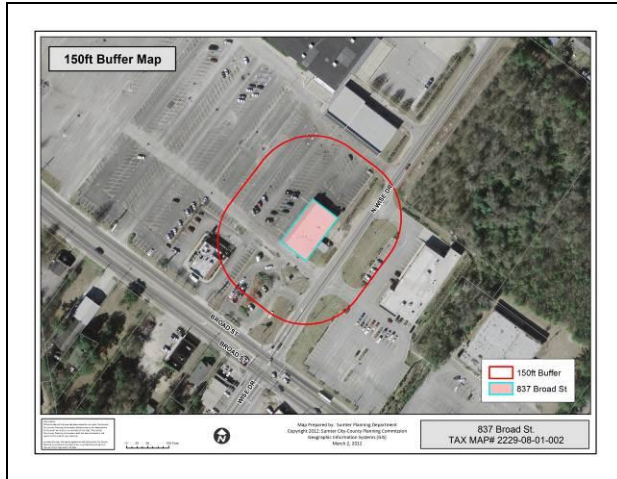
This area of Broad Street is dominated by commercial uses such as restaurants, title loans and retail businesses, which are compatible with a billiard hall.

- c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

This use will not discourage or negate the use of surrounding property for uses permitted by right in the general commercial zoning district. The GC district is intended to “accommodate the broadest possible range of commercial uses.” This location meets the 150 ft. separation requirement from a church or religious institution, public or private school, park or playground.



Above: Aerial and Photo of the parcel where the proposed billiard hall is to be located.



Above Left: The 150 foot buffer around the strip center housing the proposed Billiard Hall. **Above Right:** The adjacent businesses that are within the 150' separation buffer are both restaurants, which are compatible uses to the Billiard Hall.

Note: Article 1.h.4.c.3 states: "In granting a special exception, the Board of Zoning Appeals may impose such additional stipulations, conditions, or safeguards as, in its judgment, will enhance the siting of the special exception."

III. STAFF RECOMMENDATION

Staff has visited the site and reviewed the request, and this use meets the separation requirements and the intent of the special exception criteria. Staff therefore recommends approval of the request.

IV. DRAFT MOTIONS

- A.** I move that the Sumter Board of Appeals approve BOA-12-14 subject to the findings of fact and conclusions contained in the draft order dated March 14, 2012, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-12-14 on the following findings of fact and conclusions:
- C.** I move that the Zoning Board of Appeals enter an alternative motion for BOA-12-14.

V. BOARD OF ZONING APPEALS – March 14, 2012

The Sumter City-County Board of Appeals at its meeting on Wednesday, March 14, 2011, voted to approve this Special Exception request for a Billiard Hall at 837 Broad Street subject to the findings of fact and conclusions contained in the draft order.

Exhibit 1
Order on Special Exception Application
Sumter Board of Appeals

BOA-12-14, 837 Broad Street, Sumter, SC.
March 14, 2012

Date Filed: March 14, 2012

Permit Case No. BOA-12-14

The Board of Zoning Appeals held a public hearing on Wednesday, March 14, 2012 to consider the request of Johnny Morris, 837 Broad St., Sumter, SC for a special exception which may be permitted by the Board pursuant to Sections 1.h.4.c, 3.i.4.f, and 5.b.3.o of the Sumter County Zoning & Development Standards Ordinance as set forth on Form 4 for the property described on Form 1 to be used for: a Billiard Hall (SIC Code 7999).

After the consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the standards in Sections 5.b.3.o of the City Of Sumter Zoning & Development Standards Ordinance which are applicable to the proposed special exception of the Zoning Ordinance ☒ **have** - ☐ **have not** been met based on the following findings of fact:
 - a. The Board finds the location of the proposed Billiard Hall meets the Ordinance separation requirement of 150 ft. from structure to structure from a church, school or playground.
2. The Board concludes that the special exception ☒ **does** - ☐ **does not** comply with all other applicable development standards contained elsewhere in the Sumter City Zoning Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements based on the following findings of fact:
 - a. The property owner is not required to upgrade the site or submit a site plan as the location is in an occupied shopping center;
 - b. There is adequate access to the parcel from a major thoroughfare, and the parking lot is large enough to accommodate the additional number of parking spaces that will be generated by the proposed use;

3. The Board concludes that the proposed special exception ☒ **will** - ☐ **will not** be in substantial harmony with the area in which it is located based on the following findings of fact:

a. The separation criteria set by the ordinance is met, and the proposed use is compatible with the existing adjacent uses;

4. The Board concludes the special exception ☐ **will** - ☒ **will not** discourage or negate the use of surrounding property for uses(s) permitted by right based on the following findings of fact:

a. This district includes adjacent commercial, retail and restaurant uses that are compatible with the proposed billiard hall;

THE BOARD, THEREFORE, ORDERS that the special exception is ☐ **DENIED** – ☒ **GRANTED with the following conditions:**

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.
